

Senate Bill 64

By: Senator Douglas of the 17th

**AS PASSED**

**AN ACT**

To amend Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, so as to provide for an exception to the requirement that designated officers enforcing traffic laws have a blue light on the roof of their vehicles; to amend Code Section 40-6-16 of the Official Code of Georgia Annotated, relating to the procedure for passing stationary authorized emergency vehicles, stationary towing or recovery vehicles, or stationary highway maintenance vehicles, so as to change certain provisions relating to penalties; to amend Code Section 40-8-91 of the Official Code of Georgia Annotated, relating to marking and equipment of law enforcement vehicles, so as to provide motorists an opportunity to continue to drive until a reasonably safe location for stopping is reached when being stopped by a law enforcement officer in a marked vehicle; to provide for specific procedures therefor; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, is amended by striking the Code section and inserting in lieu thereof a new Code Section 40-1-7 to read as follows:

"40-1-7.

Whenever pursuing a person in violation of a traffic related offense, a uniformed law enforcement officer who is assigned routinely or primarily to traffic law enforcement or other traffic safety duties on the roadways or highways of this state must place a visible blue light on the roof of his or her vehicle if such vehicle is not equipped with permanent exterior mounted roof blue lights; provided, however, that the provisions of this Code section shall not apply to law enforcement officers operating vehicles manufactured prior to 2001. This Code section shall not apply to any officer assigned to special operations activities or responding to an immediate threat to public safety as a result of an accident or

other emergency. This Code section shall not apply to vehicles of the Georgia State Patrol or of a sheriff's office or police department which office or police department provides law enforcement services by certified peace officers 24 hours a day, seven days a week where the vehicles are marked in accordance with Code Section 40-8-91, with flashing or revolving colored lights visible under normal atmospheric conditions for a distance of 500 feet from the front and rear of such vehicle, and which also has an illuminating agency identifier reasonably visible to a driver of a vehicle subject to a traffic stop; provided, however, that the Georgia State Patrol shall not be permitted to have more than two vehicles per post without such exterior mounted roof lights; and, provided, further that a sheriff's office or police department shall not be permitted to have more than one vehicle per agency without such exterior mounted roof lights. An otherwise lawful arrest shall not be invalidated or in any manner affected by failure to comply with this Code section."

## **SECTION 2.**

Code Section 40-6-16 of the Official Code of Georgia Annotated, relating to the procedure for passing stationary authorized emergency vehicles, stationary towing or recovery vehicles, or stationary highway maintenance vehicles, is amended by striking subsection (c) and inserting in lieu thereof the following:

"(c) Violation of subsection (a) or (b) of this Code section shall be punished by a fine of not more than \$500.00."

## **SECTION 3.**

Code Section 40-8-91 of the Official Code of Georgia Annotated, relating to marking and equipment of law enforcement vehicles, is amended by adding immediately following subsection (d) new subsections (e) and (f) to read as follows:

"(e) Whenever a motorist driving on the roadways of this state is directed to stop by a law enforcement officer in a law enforcement vehicle marked as required under this Code section, the motorist may continue to drive until a reasonably safe location for stopping is reached. Such motorist shall indicate to the officer his or her intent to proceed to a safe location by displaying the vehicle's flashing lights or turn signal. In proceeding to a safe location, the motorist shall observe the posted maximum speed limit.

(f) An otherwise lawful arrest shall not be invalidated or in any manner affected by failure to comply with this Code section."

**SECTION 4.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.